

EXHIBIT 10

Madeline Newman Ríos, CT, MA

*Official Interpreter and Translator for the
California State and U.S. District Courts
Certified (S>E) by the American Translators Association*

Certification of Translation

I, Madeline Newman Ríos, state that I am competent to translate from Spanish to English, am a Spanish to English Translator certified by the American Translator's Association, an Official Spanish Court Interpreter certified by the Administrative Office of the United States Courts and the Judicial Council of California, and the holder of a Master of Arts Degree in Spanish Translation and Interpreting from the University of Texas, Rio Grande Valley. I have translated the attached materials from the Spanish language into English. I declare, under penalty of perjury, that to the best of my abilities and belief, this is a true and correct translation of the same into the English language.

DESCRIPTION OF DOCUMENT(S) OR MATERIAL(S)

**PROSECUTOR'S SUMMON AND MOTION, TEGUCIGALPA, MDC, MARCH 1, 2018
IN CASE 04-2018**

Note that the translator only certifies the accuracy of the translation and states no opinion as to the authenticity of the Spanish language document.

Executed this 13th day of August 2019, in Los Angeles County, California.

Madeline Newman Ríos

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U.S. Federal Court Interpreter I.D. No. 93-519

California Certified Court Interpreter I.D. No. 060898-85

American Translators Association Certified Translator No. 4278 (Spanish to English)



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[seal with emblem:]

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IN CRIMINAL MATTERS
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HONDURAS

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CASE 04-2018

PROSECUTOR'S SUMMON IS FILED. MOTION FOR ARREST WARRANTS AND MIGRATION ALERT. MOTION FOR PRE-TRIAL DETENTION. MOTION TO SET THE DATE AND TIME FOR THE HOLDING OF THE INITIAL HEARING. DOCUMENTS ARE SUBMITTED.

To the Trial Court Judge with National Territorial in Criminal Matters

THE GOVERNMENT ATTORNEY'S OFFICE, through its Court Deputy Attorneys Melissa Aguilar, who is of legal age, married, Honduran, an Attorney with Bar Card No. 9986; David Ismael Salgado, of legal age, Honduran, married, an Attorney with Bar Card No. 15445; and Javier Eduardo Núñez Flores, an Attorney, married, with Bar Card No. 14232, domiciled in this jurisdiction; indicating the place for service of process and notifications as the offices located at Edificio Anexo Banco Central [Central Bank Annex Building], between 5th and 6th and Calles 11 and 12 of the Barrio Concepción Neighborhood, Comayagüela M.D.C., acting in representation, defense, and protection of the general interests of society, respectfully appears, filing a **Prosecutor's Summon** against **ROBERTO DAVID CASTILLO MEJÍA**, based on a strong suspicion of his guilt as the intellectual author of the crime of **MURDER**, whose victim was **BERTHA ISABEL CACERES FLORES**, based on the following facts and legal considerations:

DATA REGARDING THE SUSPECT

The suspect responds to the name of **ROBERTO DAVID CASTILLO MEJÍA**, with Identification Card No. 0501-1980-06719. He is of legal age, Honduran, an Electrical Engineer and a Businessman, domiciled in the Colonia Lomas de Guijarro Sur neighborhood, Calle Londres, of this City of Tegucigalpa.



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BRIEF DESCRIPTION OF THE FACTS

FIRST: On March second of the year two thousand sixteen, the victim, **Bertha Isabel Cáceres Flores**, was in the company of **Protected Witness ABC-03-03-2016**, at her residence in the Colonia El Líbano neighborhood of the Municipality of La Esperanza, Intibucá, when, at approximately 11:35 p.m., suspects **Henry Javier Hernández, Elvin Heliberto Rápalo Orellana, and Oscar Aroldo Veíasquez**, (against all of whom an oral, public trial is about to be held) entered by forcing open the back door of the residence. They immediately headed to the bedrooms and, kicking its doors, managed to open the bedroom where victim **Bertha Isabel Cáceres Flores** was. When she heard the noise made by the suspects she asked "Who's there?" Immediately attempting to prevent the attack she was pushing the door, trying to close it, while one of them managed to enter and shoot the firearm he was carrying, hitting victim **Bertha Isabel Cáceres Flores**, who immediately fell to the floor, gravely injured, due to the fact that the shots provoked damage to important vital organs, causing her death.

SECOND: Victim **Bertha Isabel Cáceres Flores** in life was a Human Rights defender and Environmentalist, who carried out her work through the Civic Council of Popular and Indigenous Organizations of Honduras (**COPINH**). As of the start of construction of the Agua Zarca Hydroelectric Facility belonging to the Commercial Company Desarrollos Energéticos S.A. (**DESA**), located between the departments of Intibucá and Santa Bárbara, they opposed and constantly protested against said project, because they considered that the project's execution was provoking harm to the environment, and was also harming the economy of the indigenous peoples of the zone. The



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protest demonstrations led by the victim, **Bertha Isabel Cáceres Flores**, at one point succeeded in creating a loss of foreign financing, which paralyzed construction of the project in its original location. The project changed its site from the departments of Intibucá and Santa Bárbara to the community of San Francisco de Ojuera, in the department of Santa Bárbara, where the works are currently underway. This resulted in major losses to the shareholders of the above-mentioned company.

THIRD: The investigations conducted by the Technical Criminal Investigation Agency (ATIC) indicate that suspect **Roberto David Castillo Mejía** at that time was the President of the Company named Desarrollo Energéticos S.A. (**DESA**), and he is also a **former member of the Army**. In the month of October of the year two thousand fifteen (2015) he created a WhatsApp chat group, which included high-ranking executives of said company, as well as the Chief of Security and suspect **Sergio Ramón Rodríguez Orellana** (against all of whom an oral, public trial is about to be held), who at that time was the Environmental and Social Manager, among other persons. From the data contained in the conversations engaged in by members of that WhatsApp group, they express the need to control the information regarding the security of the dam in relation to the actions that were being carried out by the Organization led by victim **Bertha Isabel Cáceres Flores**, in order to counteract those actions and be aware of the plans and activities these persons were going to be carrying out, such as protests over construction of the Hydroelectric Project. Thus being the state of affairs, Mr. **Sergio Ramón Rodríguez Orellana**, on October 29 of the year 2015, wrote to the WhatsApp group, **“Obviously, as long as Tomas or Bertha don’t arrive, the movement weakens and there is little mobilization power. We thus must also direct actions against them.”** **ROBERTO DAVID CASTILLO** then started engaging in concrete actions and contacted suspect **Douglas Geovanny Bustillo**,



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his former comrade in arms in the Armed Forces, who had also worked as Chief of Security of the Dam Facility, so that **Douglas Geovanny Bustillo** would start to take actions for locating the suitable persons to kill victim **Bertha Isabel Cáceres Flores**. Accordingly, as of the month of November 2015, a series of communications were engaged in among suspects **Douglas Geovanny Bustillo, Roberto David Castillo Mejía, and Sergio Ramón Rodríguez Orellana**. It turned out that suspect Bustillo communicated with co-suspect **Mariano Díaz Chávez** to obtain weapons and persons with whom to commit the act. He thus contacted another of the suspects, **Henry Javier Hernández Rodríguez, who together with suspect Douglas Geovanny Bustillo** went to the city Intibucá in order to locate and follow victim **Bertha Isabel Cáceres Flores**. This surveillance was carried out in the months of January and February of the year 2016, during which months suspect **Douglas Geovanny Bustillo** asked **Roberto David Castillo Mejía** to make a 50% advance on the payment agreed to, and told him to be prepared that it might happen at any time. Later, he indicated to him that he needed to obtain logistics. Furthermore, during the investigation it has become clear that suspect **Roberto David Castillo Mejía** received reports from suspect **Douglas Geovanny Bustillo** regarding the locations and regarding the aborting of the mission in the month of February, on which dates the material authors of the act were in Intibucá.

FOURTH: Furthermore, suspect **Douglas Geovanny Bustillo**, on March 03 of the year 2016, made several calls to suspect **Roberto David Castillo Mejía**, hours after the crime was perpetrated against the environmentalist, thus evidencing the communications between the material authors, Douglas Bustillo as an intermediary, and Mr. Roberto David Castillo.



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LEGAL PRECEPTS APPLICABLE TO THE CRIME CHARGED

The conduct of suspect **Roberto David Castillo Mejía** falls under crime of **Murder**, pursuant to Article 117(1) and (2), final paragraph of the current Penal Code, and his participation as author by inducement is established in the Penal Code in its Article 32.

**EVIDENCE PROVIDING PROOF OF THE EXISTENCE OF THE CRIME AND OF THE
SUSPECT'S PARTICIPATION IN THE CRIME**

1. Certificate of External Inspection of the body of victim **Bertha Isabel Cáceres Flores**, with which proof is provided of the findings at the scene.
2. Autopsy Report No. 371-2016, conducted on the murder victim, **Bertha Isabel Cáceres Flores**, by Doctor Etelinda López.
3. Proceedings records drawn up at the time of the Raids, conducted per court order at the residences of suspects **Douglas Geovanny Bustillo** and **Sergio Ramón Rodríguez Orellana**, as well as at the offices of the company named **Desarrollos Energéticos S.A. (DESA)**.
4. Certificate of seizure of cellular telephone of the Samsung brand, golden in color, belonging to suspect **Sergio Ramón Rodríguez Orellana**.
5. Telephonic Extraction Reports **No. 161-2016, 166-2016, 167-2016**, issued by expert **David Amador** of the Technical Criminal Investigation Agency (**ATIC**).
6. Preliminary Report on Telephone Ties issued by the Expert **Brenda Karina Barahona**, of the National Investigation and Intelligence Service (DNII).



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FOUNDATIONS IN LAW

I provide foundation for this act in Articles 80 and 90 of the Constitution of the Republic; Articles 32, 117(1) and (2), final paragraph of the current Penal Code; Articles 5, 8, 172(1) and (2), 173(3), 178(1), (2,) and (4), 179(1), (2), and (4), 184(2), 285(3), 292, 293, and 445 of the Code of Criminal Procedural.

MOTION IN ACCORDANCE WITH LAW

For all of the reasons set forth above, I hereby move that you take note that the Prosecutor's Summon has been filed, together with the documents attached hereto. I further move that the same be admitted; that as many arrest warrants as necessary be issued to apprehend suspect **ROBERTO DAVID CASTILLO MEJÍA**; that a Migration Alert be issued, prohibiting his departure from the country; that once the suspect is made available to the court that his investigatory statement be received; that his Pre-trial Detention be ordered; and that the date and time be indicated for the holding of the initial hearing.

Tegucigalpa, MDC, March 1, 2018.

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